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11 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 CESAR CASTRO,
21 Defendant.

22 CASE NO. 1:21-CR-00181-DAD-BAM
23 STIPULATION REGARDING EXCLUDABLE
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;
25 FINDINGS AND ORDER
26 DATE: January 12, 2022
27 TIME: 1:00 p.m.
28 COURT: Hon. Barbara A. McAuliffe

29
30 **STIPULATION**

31 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
32 through defendant's counsel of record, hereby stipulate as follows:

- 33 1. By previous order, this matter was set for status on January 12, 2022.
34 2. By this stipulation, defendant now moves to continue the status conference until February
35 9, 2022, and to exclude time between January 12, 2022, and February 9, 2022, under Local Code T4.
36 3. The parties agree and stipulate, and request that the Court find the following:
37 a) The undersigned defense counsel was appointed to take over the case on
38 November 1, 2021.
39 b) The government has represented that the discovery associated with this case
40 includes investigative reports, body camera video, and criminal history information. All of this
41 discovery was provided to prior defense counsel and is in the process of being re-provided to

1 current defense counsel, and has been made available for inspection and copying.

2 c) Counsel for defendant desires additional time to review the discovery, discuss the
3 case with his client, conduct additional investigation, and discuss potential resolution with the
4 government.

5 d) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking
7 into account the exercise of due diligence.

8 e) The government does not object to the continuance.

9 f) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of January 12, 2022 to February 9,
14 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis
16 of the Court's finding that the ends of justice served by taking such action outweigh the best
17 interest of the public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

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6 Dated: December 29, 2021

7 PHILLIP A. TALBERT
Acting United States Attorney

8 _____
9 /s/ KATHERINE E. SCHUH
KATHERINE E. SCHUH
10 Assistant United States Attorney

11 Dated: December 29, 2021

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13 /s/ Douglas C. Foster
Douglas C. Foster
Counsel for Defendant
14 CESAR CASTRO

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16 **FINDINGS AND ORDER**

17 At the request of the parties, the January 12, 2022 status conference hearing in the above case is
18 CONTINUED until February 9, 2022 at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe. For
19 the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial
20 must commence, the time period of October 13, 2021 through January 12, 2022, inclusive, is deemed
21 excludable pursuant to 18 U.S.C. §§ 3161 (h)(1)G, 3161(h)(7)(A), and 3161(h)(7)(B)(i) and (iv).

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23 IT IS SO ORDERED.

24 Dated: January 3, 2022

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/s/ Barbara A. McAuliffe

26 UNITED STATES MAGISTRATE JUDGE